

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEFENDANT'S ASSENTED-TO MOTION TO MODIFY BRIEFING SCHEDULE AND
CONTINUE SENTENCING HEARING

Defendant, Michael Crooker, hereby moves that the briefing schedule for sentencing memoranda be modified to permit defendant to file his memorandum by April 6, 2007 and the government to file its response by April 20, 2007. As reasons for this motion, defendant through undersigned counsel states the following:

1. Defendant was convicted after jury trial of transportation of a firearm in interstate commerce. This Court allowed trial counsel's motion to withdraw and on December 16, 2006, appointed the Federal Defender Office and undersigned to represent defendant at sentencing.
 2. The Court subsequently set a sentencing date of April 10, 2007. The Court directed defendant to file a sentencing memorandum by February 26, 2007 and directed the government to respond by March 26, 2007, four weeks later.
 3. Shortly after the briefing schedule was established the Court, undersigned counsel, in addition to his ordinary case load, became inundated with the demands of several document-intensive cases, including United States v. Carol Aranjo, Criminal No. 06-30014-MAP, an embezzlement and fraud case before this Court featuring over 400 boxes of financial documents and data, United States v. Santo Melo, et. al., Criminal No. 06-10243-WGY, a money laundering case requiring review of several years worthy of financial records and computer data, and United States v. Maximano Silva, Criminal No. 05-10294-PBS, a health care fraud case involving review of voluminous medical and other records.

4. Moreover, nearly all of undersigned counsel's available time in recent weeks has been spent preparing for and litigating trial matters. For example, counsel is presently preparing for trial in Silva matter, a two-week case featuring numerous documents and witnesses. In addition, counsel has been simultaneously preparing for trial in United States v. Gregory Simone, Criminal No. 06-10192-NG, an arson case that is to begin shortly after the conclusion of the Silva case and is expected to last three weeks.
5. Because undersigned was not trial counsel, preparation of the sentencing memorandum is significantly more time consuming than in the ordinary course of cases. In addition, because undersigned was not trial counsel, defendant has requested - and undersigned requires - that defendant be intimately involved in the preparation of the sentencing memorandum. While defendant and undersigned have, from time to time, discussed sentencing issues by telephone, undersigned must meet with defendant in person to adequately and completely prepare the memorandum before filing. Counsel has thus far been unable to dedicate the one day required for travel to and meeting with defendant, who is presently detained in Connecticut.
6. As a result of the above, counsel has failed to file the sentencing memorandum as directed by the Court.
7. Undersigned has scheduled a day at the conclusion of the Silva trial to travel and meet with defendant. Undersigned counsel firmly believes that, once he meets with defendant, he will be able to file a sentencing memorandum expeditiously.
8. Undersigned has conferred with Assistant U.S. Attorney Kevin O'Regan concerning this Motion. The parties have discussed, in preliminary way, some of the issues that are likely to be raised in the sentencing memorandum and at the sentencing hearing. The parties agree that a filing date of April 6, 2007 for defendant with two weeks for the government to respond is a realistic and achievable schedule.¹

¹The government's assent to a two week response period is provisional upon undersigned's general preliminary description of the issues to be raised. The government has indicated that unforeseen arguments may result in a government request for additional time, a request to which defendant would assent if needed.

For the foregoing reasons, defendant requests that the Court modify the briefing schedule and continue the sentencing hearing accordingly to a date convenient to the Court.

MICHAEL ALAN CROOKER
By his attorney,

/s/ Timothy G. Watkins
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CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), as well as to United States Probation Officer Richard Rinaldi by electronic mail, on March 13, 2007.

/s/ Timothy G. Watkins